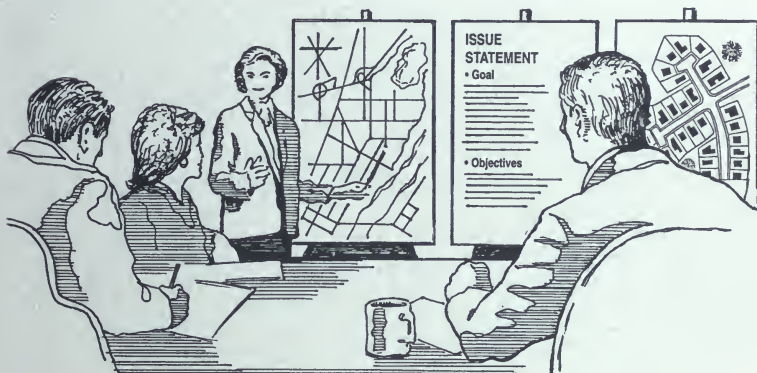


A PRIMER ON LAND USE PLANNING AND REGULATION FOR LOCAL GOVERNMENTS



MONTANA DEPARTMENT OF COMMERCE
COMMUNITY TECHNICAL ASSISTANCE PROGRAM

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A PRIMER ON LAND USE PLANNING AND REGULATION FOR LOCAL GOVERNMENTS

**Jim E. Richard, Consultant
White Sulphur Springs, MT**

MONTANA DEPARTMENT OF COMMERCE Local Government Assistance Division Community Technical Assistance Program

Jon Noel, Director, Department of Commerce

Newell Anderson, Administrator, Local Government Assistance Division

Dave Cole, Chief, Community Development Bureau

Robb Mc Cracken, Program Manager, Community Technical Assistance Program

Gavin Anderson, Administrative Officer, Treasure State Endowment Program

Jim Edgcomb, Planner IV, Community Technical Assistance Program

Richard M. Weddle, Staff Attorney

May, 1994

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A PRIMER ON LAND USE PLANNING AND REGULATION FOR LOCAL GOVERNMENTS

I. INTRODUCTION

A. BACKGROUND

Change is occurring in Montana communities. Many parts of the state are experiencing significant growth; other areas are facing declining populations and tax bases. All local governments must deal with new requirements imposed by state and federal government. The availability of affordable housing is becoming a statewide concern. All of these changes can be better handled with an effective planning program in place.

While many "tried and tested" planning principles and practices are appropriate for any local jurisdiction, planning for rural areas is different than for urban areas. The problems are different, and therefore solutions must be different. Rural areas generally have fewer resources for planning compared to those in urban areas. Rural people often have different needs, perspectives, attitudes, expectations and traditions. However, both rural and urban jurisdictions can benefit by using the appropriate fundamental planning practices to address the forces of change that local areas face.

While the community is frequently thought of in terms of an urbanized area, the Primer uses the term "community" to describe any local area where the residents feel a bond among one another and toward the geographic area itself. "Community" includes an incorporated city or town, an unincorporated settlement, the county or any of its inhabited rural parts.

B. PURPOSE OF THE PRIMER

The purpose of this Primer is to provide an overview of the fundamentals of community and rural planning in Montana. It will look at why planning is important, the roles and responsibilities of those people involved in the planning process, the comprehensive plan, various methods to implement the plan, how to fund a planning program and a look at how to make housing more affordable. This publication is intended primarily to assist elected local officials, planning board members, and citizens understand the planning process. The Primer also will be useful for new staff planners with little or no experience. The Department of Commerce Community Technical Assistance Program has many other publications and audiovisuals that elaborate on the concepts presented in this Primer.

Planning bridges the gap between where a community is and where it wants to go.

II. WHAT IS PLANNING? WHY PLAN? BEGINNING THE PLANNING PROCESS

A. WHAT IS PLANNING?

Local planning is a deliberate process that systematically addresses issues relating to the physical development of the community, and works toward making, or keeping, the community pleasant, convenient, attractive and functional. Planning is a "deliberate" process in that local officials, with community wide involvement and input, purposefully and formally set out to form policies and measures that will guide development decisions. It is not a process that happens by accident or coincidence. The process is "systematic" in that local officials follow logical steps to arrive at solutions to issues. The process is "democratic" in that citizens are encouraged to participate and help determine how they want their community to develop.

Community planning is a process that helps make residential areas pleasant, safe places to live; makes commercial areas convenient, functional, safe places to work and shop; and makes industrial areas functional, efficient, safe places to work and produce. Comprehensive planning also can help:

- Provide public facilities and services that are adequate and cost effective, which can lower public costs and decrease tax expenditures.
- Maintain or increase the employment and the economic activities that enhance the vitality of a community.
- Promote housing development that is decent, suitable and affordable.
- Provide parks and recreation facilities that serve all segments of the population.

Planning should be pragmatic – dealing with real problems, and addressing, at least in part, immediate issues of concern to elected officials and the citizens. Community planning becomes more credible when citizens see that actual local problems are addressed and solved. Planning should be on-going. Nearly every community faces continual change, whether in population, land use patterns, or new state or federal requirements. A community can lead change or simply respond to change. Through effective planning, a community can exert influence to lead change. A planning program should be capable of addressing change. Residents are more willing to support planning when they view it as an on-going process, and as a process that brings forethought to decision-making.

However, focusing on planning as a process should not prevent plans from being formulated, adopted and implemented. Adopted plans are legal and practical necessities if communities are to influence future development. Having an adopted written plan is necessary to clearly define problems, opportunities, goals and policies.

Planning also includes methods to protect the environment, identify and preserve community identity and values, and stimulate economic development. Environmental

concerns include protecting property from flooding, protecting surface and ground waters, avoiding steep unstable slopes, and protecting wildlife habitat. A community's values or identity may include historic, cultural or natural features, or its "rural character." Often these community amenities can be preserved or enhanced through planning. Planning can foster economic growth by ensuring adequate and efficient community services and promoting job creation.

Local land use planning primarily deals with privately-owned land and local public facilities. Local governments are not authorized to regulate state or federal lands. The state legislature and appropriate state management agencies administer and control state-owned land. The U.S. Congress and appropriate federal management agencies administer federal lands.

Private lands and private property rights are protected by specific constitutional and legal provisions. Local governments are authorized to place reasonable restrictions on use of private lands, but must carefully follow strict legal procedures in enacting those restrictions. Any restrictions imposed on private lands must relate to a general public purpose, and must not be more restrictive than needed to achieve the purpose.

Land use plans must balance the rights of private land owners and the rights of citizens to enjoy a healthy, safe and clean environment.

B. WHY PLAN? THE BENEFITS OF PLANNING

The fundamental reason to plan is to help guide the future development and improvement of the community. Through planning citizens become more aware of community issues, and are able to more fully participate in decisions regarding the development of their community. In addition, local officials are better able to make sound and defensible decisions. Plans and planning take somewhat different forms or deal with different issues from one community to another, but planning can be beneficial to all communities, – rural or urban, growing or declining. With planning, communities can save tax dollars, provide proper services, preserve community values, and strengthen local economies.

In the absence of community planning, development patterns become the cumulative result of hundreds of independent, mostly unrelated, decisions made by individual landowners. Communities that develop in a haphazard, random fashion rarely are as attractive, safe, functional or efficient as they could be.

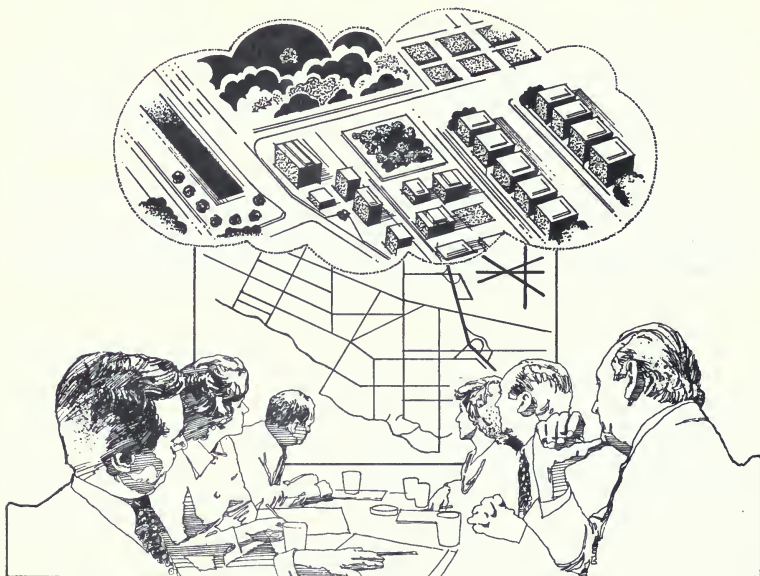
Planning can benefit the general public and private individuals or businesses. The general public benefits because planning can:

- Reduce taxes by more efficiently providing services and shifting the costs of services from the general taxpayer to beneficiaries of new development.
- Encourage people to become involved in community activities and to acquire "ownership" in local issues and solutions.
 - Where the process of decision-making is perceived as democratic and fair, and everyone can participate, citizens are more willing to support solutions such as adopting land use regulations, expanding public facilities, or approving bond issues.
- Foster wise and thoughtful investments in major public facilities, such as roads, water and sewer systems, solid waste, and fire protection.
 - Planning can coordinate expansion of roads and utilities with the location of new growth, and ensure proper design capacities of those facilities.
 - Citizens and local officials can better determine the timing and scheduling for constructing major improvements.
 - Citizens and local officials can develop cost-effective financing programs for capital facilities.
- Make communities safer and healthier by encouraging well-designed streets, protecting water quality, and deterring development in unsuitable areas such as floodplains, wetlands, fault zones and unstable slopes.
- Promote orderly development.
 - Haphazard, uncontrolled unplanned growth can detract from the quality of life for residents.
- Protect special community values, such as historic, cultural, scenic and natural features, or rural, agricultural character.
- Build public consensus and greater understanding of issues within the community.

Private individuals or businesses benefit because planning can:

- Reduce private property taxes by more efficiently providing public facilities and services, and by protecting or enhancing the local property tax base.
- Help make a community more attractive to investment by businesses and industries, and prepare in advance for growth that results in less costly extension of services and lower taxes and fees.

- Maintain property values for residential, commercial and industrial properties by preventing nearby incompatible or degrading uses.
- Ensure that adequate amounts of suitable land are available for residential, commercial and industrial growth.
 - Commercial and industrial uses should be properly served by roads, water and sewer, and other utilities, parking, and should be free from interference by incompatible land uses (e.g., residential neighborhoods, schools, or hospitals).
 - Suitable areas should be available for safe, healthy residential development, and for affordable housing.



Many local officials in Montana are approaching planning as a means to solving existing problems, as well as the long-term prevention of problems. Local officials want their planning dollars to provide real benefits that solve the problems that they perceive to be most relevant. As a result, local officials are directing their planning programs toward shorter-term concerns or issues. For example, reviewing proposed subdivisions can help to ensure that: lots are suitable for building, adequate access to lots is provided, and the subdivision will not create any significant detrimental effects on the natural environment

or local services. Affordable housing can be promoted by ensuring that land use regulations provide sufficient area for locating mobile home, multiple-family and modular housing. With a planning program in place, local officials can effectively address or mitigate development proposals that may degrade rivers or lakes, or intrusions by development into farmland.

In addition to the short-term benefits typically associated with community planning, a number of long range benefits can result. Planning can be useful for communities facing a declining population, economic activity or tax base. Through planning, local officials try to provide more efficient local services and facilities. For example, a municipality might work jointly with the county to provide more efficient street and road maintenance. A community can plan and implement improvements to deteriorating sewer facilities and low income housing, which can assist local economic development efforts to slow or reverse decline. On the other hand, because of a relatively recent surge of growth in many Montana areas, a number of local officials are focusing on long range growth management and are looking to land use planning and regulation as necessary tools to effectively deal with the effects of new growth, such as the need for upgraded roads or extensions of water and sewer systems.

Even in a community with a stable population or little development, change still occurs. State and federal requirements change; public facilities suffer wear and deterioration; tax revenues decline (or increase); or the average age of the residents increases which creates a greater need for senior services. Every community, whether stable or dynamic, small or large, urban or rural, can better prepare for inevitable change through effective planning.

Agriculture, Montana's largest industry, can benefit from planning. Local officials can implement measures that minimize harassment of livestock by dogs, accommodate increased traffic volumes on rural roads, minimize nuisance law suits against farmers and ranchers, and stabilize agricultural taxes. Agricultural land can be preserved through measures such as conservation easements, regulations that encourage compact cluster development, or policies regarding extensions of roads and other facilities.

One important advantage of planning is that it can **prevent** conflict or problems with incompatible land uses, especially between private landowners. An example of "incompatible land use" is allowing the construction of a hazardous waste facility in a residential neighborhood. In the absence of land use planning and regulation, an owner can only attempt to repair property damage, or seek restitution through a civil lawsuit, **after damage to the property or property value has occurred**. Repairing damage or initiating lawsuits often are much more costly than preventing problems in the first place.

C. BEGINNING THE PLANNING PROCESS

Community planning is a process that allows citizens to determine the future direction of their community. This is primarily accomplished through the development and implementation of a comprehensive plan. The plan is a document that serves as a guide for future development decisions. The plan should be a statement of a community's policies that provide a sense of direction for its future. A comprehensive plan should lead the planning process because it provides the basis for further planning actions, including decisions on new subdivisions and zoning. The comprehensive plan is discussed in more detail in Chapter V. Once a comprehensive plan is in place there are a variety of tools, depending on the unique circumstances of the community, that can be used to implement the plan. These tools are discussed in Chapter VI.

The planning process can be a forum for communication between local government officials and the citizens of the community. Because planning is an on-going process, it should be viewed as an opportunity for local officials and their constituents to exchange ideas, opinions and information about the needs, desires and obligations of the community. Local officials need to encourage widespread public involvement and participation in the planning process, as plans are developed or regulations are adopted. The planning process should be viewed as an educational opportunity. Local officials learn what issues concern the citizens and what they think should be done in the future. Citizens learn about problems with deteriorating public facilities and the need for expanding services, and will better understand the costs that result from a lack of planning.

III. ROLES AND RESPONSIBILITIES

A. GOVERNING BODY

The governing body of a municipality or county (i.e., a city council or a county commission) is the decision-making body for the local unit of government, and thus has the legal authority to initiate a planning process and adopt land use plans and land use regulations. The governing body, under Montana law, may create a planning board and set the budget for the planning program.

While the governing body's statutory role as the decision-maker is clear, the approach that elected officials take toward planning will make a difference in the success of the program. The governing body must be committed to planning and its potential for resolving issues.

The governing body should:

- View the planning board as an arm of itself, as a partner to assist the governing body research and find solutions to problems. The governing body should not view the planning board as an adversary, or as encroaching on the governing body's "turf."
- Give general direction and guidance to the planning board and the planning program.
- Provide political and financial support to the planning board. The governing body should not be a rubber stamp for planning board recommendations, but should communicate regularly with the board to ensure that the board addresses issues that the governing body feels are relevant.
- Communicate openly with the citizens of the community and help identify issues based on contact with constituents.
- Request help, research and recommendations from the planning board on important problems.

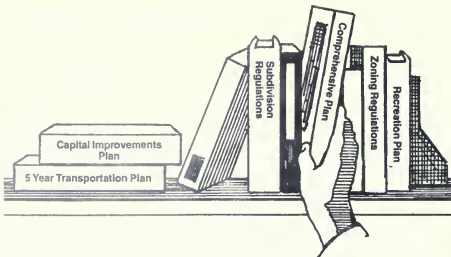
B. PLANNING BOARD

A planning board is a citizen commission created by the governing body to advise the governing body on planning and development issues and to guide the preparation of a comprehensive plan. Montana law not only authorizes planning boards, but requires their involvement in preparing and adopting plans. A planning board plays a key role in bringing citizens' ideas and opinions to the planning process. A planning board also is

required in order to create or amend certain land use regulations such as zoning or development permit regulations.

Planning boards serve governing bodies by researching issues, finding solutions to planning issues, and undertaking the development of comprehensive plans and land use regulations. A major function of planning boards

is to review proposed subdivisions and make recommendations to the governing body. The planning board has the power to prepare and submit an annual budget to the governing body. The board is then responsible for supervising the fiscal affairs of the planning board and the planning office. Under Montana law, planning boards are authorized to hire employees or consultants to provide technical assistance.



Planning Board Responsibilities:

- Advise governing body on land use, development, and conservation issues.
- Prepare annual work plan and budget.
- Determine the qualifications of, hire, supervise, remove and determine the compensation of employees of the board.
- Prepare and update a comprehensive plan.
- Review and recommend action on subdivisions.
- Conduct special studies or prepare special plans.
- Review proposed conservation easements.
- May serve as a zoning commission.

C. PROFESSIONAL AND TECHNICAL ASSISTANCE

The quality, timeliness, and effectiveness of the planning program usually is enhanced by hiring persons to provide technical planning assistance. Planners conduct research, survey citizen opinion, analyze the data and prepare draft copies of plans and regulations.

Professional staff and consultants are responsible to the planning board where one exists. Where financially feasible, employing a staff planner is usually preferable to retaining a consultant. An employee often is more committed to long term service, develops a greater interest in the community, and obtains a greater knowledge and understanding of the community and residents. Consultants, however, are appropriate for short term or part-time assistance, or for specific projects. Frequently consultants can be hired for short term or specific technical assistance for less money than would be needed to employ and support a permanent employee.

Communities experiencing growth usually will benefit by employing full time staff to support an effective planning program. Reviewing subdivisions, drafting land use regulations, and planning extensions of public facilities are functions that are better accomplished with technical help.

Small communities often find that hiring a full-time staff planner is beyond their financial capacity. A number of counties and small towns or cities hire a person to serve in part as the local planner and to perform other duties, such as administrative assistant to the governing body, or zoning officer. A number of creative arrangements have been used in Montana to secure staff planning help. Some counties combine the position of county planner and county sanitarian. Other counties combine the planner position with the disaster and emergency services or floodplain coordinator. Still others combine the planner position with that of grant writer, or executive director of the local development corporation. Two or more counties could also share a planner on a part-time basis.

D. CITIZENS

Because elected officials answer to voters, the citizens of a community are ultimately the public decision-makers. They will determine whether the community supports a planning program and the character of the program. The citizens of the community, working with the planning board, should be directly involved in determining the issues and problems affecting the community and in determining the goals and objectives identified in the comprehensive plan. Citizens will have the final say on whether a land use regulation is adopted or whether a bond issue passes. Elected officials, and planning board members must constantly work to ensure a fully informed and knowledgeable public.

Comprehensive planning involves a number of principles and sound practices that have been developed or recognized through broad experience. But planning is not an exact science. **Much of local planning is simply the application of common sense.** The process involves problems or issues that most of us have experienced, and any thoughtful person, regardless of technical background or experience can contribute to formulating plans that will enhance the community. Citizens are essential in determining the prevailing public sentiments.

IV. THE POLITICS OF PLANNING; ROLE OF PLANNING BOARD

Although the term "politics" often has a negative connotation, politics in its true meaning is the public process by which public officials take actions and make decisions on behalf of their constituents, the citizens. Within any community, citizens have differing, even competing, perceptions and values, and public officials must decide among those differing interests. Those decisions must occur through a public, or political, process.

Because plans and regulations are adopted and enforced by the elected local officials, planning is inherently political, and must survive in the political arena. Local government plans and their implementation can have profound effects on citizens in a community. Understandably, a broad spectrum of differing interests and opinions about planning and regulation often emerges within a community. Public officials must consider the varying interests and opinions in developing local plans and when designing implementation tools.

The concept of an appointed citizen planning board emerged in the early 1900's as a means to give planning a long-range character and to provide one step in the development of public policy that is somewhat insulated from partisan political influence. Montana law provides for staggered terms for planning board members. This provision not only ensures continuity of experience and knowledge, it also fosters a long-range perspective that carries into the future beyond the terms of elected officials.

A planning board serves a number of functions:

- Providing direction to the planning staff.
- Providing a forum for citizens to express their views to local officials.
- Bridging the gap between the professional planner's "perfect plan" and the concerns of citizens and elected officials.
- Involving appointed citizens who are sensitive to the opinions of local residents are less influenced by special interest groups and generally have a longer-term perspective than elected officials (whose vision is sometimes strongly influenced by concerns about the next election).
- Providing in-depth studies and research and analytical thought that a city council or county commission realistically does not have the time to do thoroughly.
- Serving as a political buffer to diffuse criticism from the governing body and providing public support to help elected officials to more easily make important but unpopular decisions.
- Providing continuity and guidance on critical community development issues, such as affordable housing.

When created and functioning in a positive and cooperative climate, a planning board can be a tremendous asset to the community, governing body, professional planners, and the success of the planning program.

A positive and cooperative climate includes:

- A governing body that:
 - Views the planning board as an extension of the local government that functions to assist and advise the elected officials.
 - Appoints thoughtful members to the planning board who represent a cross-section of the community.
 - Listens to the concerns of the planning board.
 - Meets regularly with the planning board to offer direction to the planning program and to seek the board's help in addressing community problems.
- A planning board that:
 - Helps the governing body to analyze and deal with development problems.
 - Advocates planning, both to the governing body and to the general public.
 - Educates the governing body and general public about the benefits of planning and local planning issues.
 - Takes a longer-range view of community issues and problems.
- A professional planning staff that:
 - Advocates sound planning.
 - Develops and explains proposals based on sound planning principles and practices.
 - Presents options for, and alternative methods of, solving problems.
 - Is not offended when the planning board or governing body modifies a planning proposal.
 - Understands and allows pragmatism and public opinion to mold acceptable plans and regulations.
- A citizenry that:
 - Wants a liveable community and understands the potential benefits of a planning program in bettering a community.
 - Actively and constructively participates in the formation of plans and in the process of making planning decisions.
 - Supports the local planning program and the measures to achieve a better community.

Opposition to planning often emerges from special interest groups. As growth pressures increase, the opposition sometimes becomes broader and more intensive. At the same time, however, citizens also become more motivated to support planning. Local officials should try to determine how the citizenry as a whole feels about planning or a particular proposal, and not rely solely on the comments of the most vocal interests, pro or con.

An essential part of the politics of planning involves the support from citizens. To ensure a positive political climate among local residents, the governing body, planning board and planning staff need to continually inform the public about issues, proposed solutions, and the benefits and accomplishments of the planning program.



V. THE COMPREHENSIVE PLAN

A. GENERAL

The most common approach to local planning is to prepare some version of a "comprehensive" plan. Montana's local planning enabling statute authorizes the preparation and adoption of a comprehensive plan, and sets out the required procedures. A comprehensive plan can be any document that is developed with thought and deliberation to assist a community make decisions on its own particular issues. Montana law (76-1-601, MCA) offers guidelines for the content of a local plan. A comprehensive plan is "comprehensive" in that it covers the entire jurisdiction of the planning board, and it addresses all of the aspects affecting the community's public facilities, transportation, parks and recreation, economy, and housing. The planning jurisdiction may be as small as the incorporated urban area or may include the entire county. This Primer uses the terms "comprehensive," "land use," "community," and "local" interchangeably in referring to local planning and local plans.

Comprehensive plans can, and should, vary in content and format from one community to another. The great variations in land use issues, population densities, and types and magnitudes of development pressures, require that local officials and citizens draft a plan to best suit the particular community's situation. For example, populous cities and counties that face significant growth, must maintain a large, complex infrastructure, and have intricate needs for housing, usually need a comprehensive plan that addresses the complexities of the issues. In these large jurisdictions, the comprehensive plan should provide direction for decision-making that reflects and coordinates the needs related to land use, public facilities, transportation, parks and recreation, housing and economic development.

Small rural communities with relatively stable populations, on the other hand, may need only a simple plan. For example the plan might only address the preservation of valued community assets (such as historic structures), maintenance and replacement of public facilities, elderly housing, new sanitary landfill requirements, or stimulating economic development.

The plan should be used as a valuable reference by the planning board members and elected officials. When a planning board or governing body is faced with a development issue and decision, they should consult their comprehensive plan, and refer to its recommendations and policies for guidance. They should use their plan in their day-to-day decision-making, such as reviewing a subdivision plat or considering a proposed amendment to the zoning regulations.

Plans can be flexible, which usually means they are more general. Plans can be more specific, which usually means they provide better guidance or direction. Flexible plans do not become out-of-date as quickly as specific plans. Local officials should try to strike a balance between flexibility and specific language that provides meaningful guidance.

B. TYPES OF COMPREHENSIVE PLANS

In Montana, historically there have primarily been two different types of comprehensive plans. In reality, most communities develop plans that are a combination of both concepts. Either way the plan must be based on the general criteria set out for comprehensive plans in Montana statute (76-1-601, MCA).

1. Traditional Land Use Plans

Traditional land use plans emphasize the **location** of the various land uses. These have been the most common types of plans adopted in Montana. These plans focus on guiding land uses to appropriate locations and, therefore, the future land use **map** is the key element of the plan.

These plans, focusing on location of uses, are appropriate in urban situations in which growth is occurring at fairly high densities and planning for extensions of public facilities and ensuring compatibility of different land uses is important. If it is likely that zoning regulations may be adopted or amended to determine location of various land uses, a traditional land use plan is usually the best type of supporting plan.

2. Policy Plans

Policy plans are less concerned with the specific locations of types of uses, and instead, focus on the **character and quality of development, wherever growth may occur**. Policy plans are primarily statements of principle and policy to guide decisions regarding future land use development. These plans usually identify and discuss community issues, problems, and assets.

Policy plans are appropriate for small communities and rural, unincorporated areas that face less intensive development. These plans can ensure that community values are protected by simply requiring development to meet certain standards wherever the development may occur. Policy plans are particularly appropriate where development permit regulations, which focus on the character and impact of development, are expected to be adopted or amended.

Regardless of the type of plan a community chooses to prepare, there are a number of appropriate components for nearly any plan. First is a statement of existing or potential planning issues, problems and assets that affect, or will affect the community. The

second is a statement of goals and objectives for the community. The third component of a comprehensive plan comprises statements of development policy, which should be based on goal and objective statements.

The following example shows the flow of policy formulation from an issue statement to goal and objective statements to development policies.

- **Issue:**
Our rural, agricultural county is experiencing significant growth, primarily because of our natural resources and amenities. This growth, if unplanned, will impact public services, adversely affect our natural environment, and convert valuable and productive agricultural land.

The issue statement has been re-written into statements of goals and objectives:

- **Goal:**
To promote sound land use and development that provides sufficient land for future needs and protects natural features and values.
- **Objectives:**
 - To encourage development that is well-planned and designed, and that makes efficient use of land.
 - To ensure that sufficient land is available for needed residential, commercial, industrial uses, and for parks and recreational facilities.
 - To ensure that new development does not locate in flood prone areas, riparian-wetland areas, steep slopes or unstable soils.
 - To ensure that productive agricultural land is retained for agricultural use.

The development policies below reflect the stated goals and objectives:

- New residential, commercial or industrial development will be encouraged and directed to locate in, or adjacent to, existing communities; development will be discouraged from locating on productive agricultural land, especially irrigated lands and mountain-valley hay land.
- Development will be prohibited in flood prone areas; development will be discouraged in areas with building constraints, such as clay soils, steep or unstable slopes, high ground water, shallow bedrock, high pressure gas lines, unless special engineering, construction, or other techniques can be used to overcome the constraints.

Development policy statements such as these should emerge from a process of identifying planning issues, problems and assets, and from formulating goal and objective statements.

C. ELEMENTS COMMONLY CONTAINED IN A COMPREHENSIVE PLAN

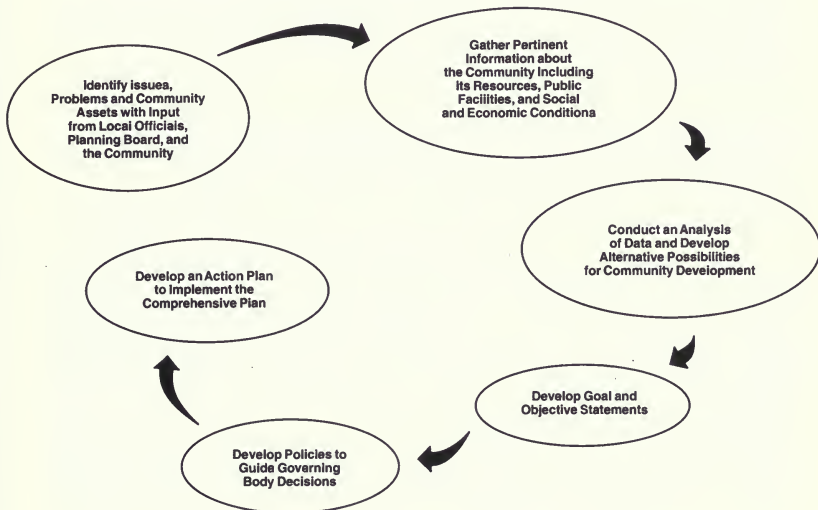
Section 76–1–601, MCA, sets out a number of general guidelines of topics that may be included in a comprehensive plan. Most governing bodies include a number of basic elements in a comprehensive plan because they are usually applicable to any community's development issues:

1. Population and Economic Data. Local governments serve people, and knowing current and projected future population levels is essential to understand the need for land, public facilities, and housing to accommodate the population, whether increasing or decreasing. Existing and projected employment and income within the community can be useful in determining land needed for expansion of commercial and industrial activity, and in helping to project future population levels.
2. Land Use. A basic understanding of the amount and location of land in residential, commercial, industrial and public (parks, recreation, school) use is necessary. If concern for environmental features is among the identified community planning issues, an inventory of the key features will be needed. Existing and projected land use maps are often part of the land use section of a plan. Policies to guide future land use decisions are often included, especially in policy plans.
3. Public Facilities and Capital Improvement Plans. In all jurisdictions, particularly in areas experiencing growth, local officials will want to know the physical condition, design capacities and available capacities of public facilities — water, sewer, street, storm drainage, landfill, park and recreation facilities. Capital improvement plans can set out priorities and a schedule of financing and constructing new or expanded public facilities.
4. Housing Stock and Needs. Usually population growth affects the availability of housing. Local officials should understand the number, vacancy rate and physical condition of existing housing by types. This information will indicate the need for additional housing units, and help determine the amount of land that will be needed, and possible suitable locations. Housing elements usually identify the need for affordable housing, and techniques to help provide it.
5. Goals and Objectives. Goals and objectives can provide important direction to the community planning process. Usually, goal and objective statements are more useful when they are more specific and definitive.
6. Implementation Section or Action Plan. A section setting forth measures or actions to implement the comprehensive plan should be one of the most important and useful components. The implementation section can be more useful when outlining specific steps and actions that the community should take to carry out the recommendations of the plan.

D. PREPARING A COMPREHENSIVE PLAN

Montana law requires that a planning board must be formed in order to prepare a comprehensive plan (76-1-601 *et seq.*, MCA).

The following actions are typical of the steps that the planning board will follow to develop the comprehensive plan:



1. Identify Issues, Problems, and Assets

The first step in preparing a community plan is for the planning board to identify the planning and development issues and problems, and community assets. A number of approaches should be taken to identify these community issues: community opinion surveys, public meetings, and focus groups.

2. Gather Pertinent Background Data

Identifying planning and development issues and concerns should indicate background information that will be needed to begin developing a plan. Local officials should not blindly charge about gathering any data or information that is available. Rather, they

should assess what information is needed to deal effectively with the local issues and problems that have emerged from citizen comment and discussions with officials and community leaders. Certain basic information is needed for planning in almost all communities: population data, land use/natural features, public facilities, housing stock, and economic factors.

After the background data have been collected, the statements of issues and problems should be revised to reflect the factual information. General statements about an issue or problem might be rewritten to be quantified, which will give credibility to the issue's importance. Or, if background data do not bear the general perception of a stated problem, the issue or problem should be restated to reflect the facts.

3. Develop Goal and Objective Statements

After the community's planning issues and problems have been identified, and background information has been collected, the planning board, with input from the community's citizens, should develop statements of goals and objectives.

4. Draft Statements of Development Policies to Guide Governing Body Decisions

Development policies are statements of principle or policy relating to how development should occur, and, therefore, offer guidance to local officials in making decisions about individual development proposals. A policy is important to guide **local officials when they have discretion or choices to make**. A policy is not necessary if the local officials have no options, such as in a case where a legal requirement is imposed by the state or federal government.

5. Develop Planning Recommendations

Planning recommendations suggest actions the community should take to properly address development issues. Recommendations usually include suggestions that the governing body adopt or revise regulations, conduct studies and develop additional specific plans, or apply for assistance through state or federal programs.

Most of the recommendations are directed at the governing body, because it often has the only authority to carry out the actions. But in adopting the recommendations as part of the plan, the governing body is doing more than telling itself what it should do. The recommendations are a public statement of actions that need to be taken, and the general public benefits both from helping develop the suggestions, and seeing them adopted as public policy. Also, the recommendations will offer guidance to newly elected officials and help them understand the entire context of the plan. The list of recommendations allows the governing body, planning board, planning staff and citizens to set time frames and schedules for accomplishing the suggested actions.

The following examples of recommended actions illustrate typical direction and content:

Housing

- Develop a housing plan to help meet the variety of housing needs of residents. The planning board and governing body should become acquainted with the various housing programs, including the U.S. Farmers Home Administration (FmHA), U.S. Department of Housing and Urban Affairs (HUD), the Montana Board of Housing and the Montana Department of Commerce.
- The county and city should work with developers in constructing innovative affordable housing developments that include multiple-family, mobile home and modular housing.
- When appropriate, apply for Community Development Block Grant (CDBG) and FmHA housing rehabilitation funds to improve low- and moderate-income housing stock.
- Apply for HOME Investment Partnership Program funds to increase the amount of low- and moderate-income housing stock.

6. Develop a Draft Plan; Hold Public Hearings

The planning board and planning staff write a draft plan that includes all of the background information, statements of issues, problems and assets, statements of goals and objectives, statements of development principles and policies, and recommended actions. When the draft document is prepared, the planning board is required by law to hold a public hearing on the draft plan. It is a good idea to hold several informational meetings with citizens before the formal hearing is held.

7. Adoption of Plan by Planning Board; Submittal to Governing Body

After considering any public comments, the planning board may adopt a resolution to recommend the plan, and any regulations or other implementation measures, to the governing body. A copy of the plan adopted by the planning board (with any supplemental regulations or other documents) is submitted to the governing body.

8. Adoption of Plan by Governing Body

Upon receipt of the plan from the planning board, the governing board may adopt a resolution of intention to adopt, revise, or reject any or all of the plan. If the governing body adopts a resolution of intention to adopt the proposed plan or any of its parts, it may, at its discretion, submit the proposed plan to a vote of the qualified electors within the jurisdiction covered by the plan. The governing body may adopt, revise or reject all

or parts of a proposed plan (or repeal an existing plan). Qualified electors within the jurisdiction may, by initiative or referendum adopt, revise or repeal a plan.

9. Plan Update

Despite a good-faith effort to prepare a comprehensive plan that provides sound direction for the future, local officials and citizens usually find that in several years after adoption the plan needs updating to properly address unanticipated events or changes. For example, actual population levels may be substantially different from projections; an unexpected housing development or shopping center may have located in the community; a severe shortage of affordable housing may be occurring; or new federal regulations may require upgrading of the solid waste facility.

Because of unpredicted events or deviations from projections such as these, a community should constantly reassess its comprehensive plan and update it on a regular basis. Traditional land use plans, which try to predict and influence locations of future land development, tend to become outdated more quickly than policy plans. Policy plans usually are more flexible and can more easily accommodate unanticipated change with less frequent amendment.

Comprehensive plans are amended under the same procedures as are used for initial adoption. The planning board works with citizens to reassess community problems and issues, hold public meetings and hearings, and submits a draft revised plan to the governing body. The governing body adopts, revises or rejects the proposed revisions.

It is the planning board's responsibility to adopt a comprehensive plan that reflects the concerns and goals and objectives of the community's citizens. Therefore, the plan should be developed with widespread public involvement and participation.

VI. PLAN IMPLEMENTATION

A. GENERAL

A number of techniques are available to help implement a comprehensive plan. Planning, scheduling and financing the construction of water and sewer extensions, streets, and other public facilities can significantly save tax dollars, and can influence the location and timing of new development. A community can address problems related to affordable housing by providing assistance for rehabilitation of existing housing or construction of new housing. Conservation easements can be used to prevent intrusion of development into productive agricultural land. Adopting regulations dealing with land use and building standards are common means of implementing a community plan. In order for a plan to be truly effective, the planning jurisdiction may need to implement various types of regulations. Local government has the ability to use a variety of land use regulations such as: subdivision regulations, zoning, development permit regulations, floodplain regulations and lake shore regulations. These, and other tools, will be discussed in more detail below. More information on the various statutes related to these regulations can be found in Appendix A.

B. RELATIONSHIP OF PLAN TO LAND USE REGULATIONS

The comprehensive plan is a non-binding document that is developed through a public process that identifies land use issues and gives direction for dealing with those issues. Regulations, in contrast, carry out the direction and policy of the plan by articulating in specific language requirements that govern the use of land.

Montana law requires that zoning and development permit regulations conform to an adopted plan. In the case of *Little v. Flathead County*, the Montana Supreme Court ruled that land use regulations must closely conform to the comprehensive plan. In fact, before amendments to a zoning ordinance may be made, the plan may have to be amended to ensure that the zoning amendments will conform. The purpose of this requirement is to ensure that land use regulations are drafted and enforced in the context of a broad, carefully considered, public purpose. The plan is the public's expression of a planning vision for the community. Regulations adopted in conformance with a plan are less likely to be arbitrary than those adopted in isolation.

Prior adoption of a comprehensive plan is not a prerequisite for a local government to adopt subdivision regulations. In fact, state law requires all units of local government to adopt and enforce subdivision regulations regardless of whether they have a plan. However, local governments that have adopted plans can draft better subdivision regulations. Both the Montana Local Planning Enabling Act and the Montana Subdivision and Platting Act authorize local governments to consider compliance with an adopted comprehensive plan as a criterion for approving or disapproving a proposed subdivision (76-1-606, MCA, and 76-3-604, MCA).

C. SUBDIVISION REGULATIONS

Subdivision regulations regulate the process of platting land into lots and providing public facilities (e.g., roads, water, sewer, storm drainage) to the lots. The platting and creation of lots is not only the first phase in development, the action sets the land use pattern for the community. Therefore, proper public review of proposed land division is vital to: (1) prevent or minimize impacts on public health and safety, the natural environment, and wildlife, (2) ensure desirable future land use patterns, and (3) allow cost-effective provision of public services, thereby reducing tax expenditures.

In Montana, local government subdivision regulations must evaluate a proposed subdivision's impact on a number of considerations such as the natural environment, wildlife, public health and safety, and local services. The Montana Subdivision and Platting Act (MSPA) requires all units of local government to adopt and enforce subdivision regulations, and to review and decide on development proposals that would divide land into parcels of less than 160 acres, construct one or more condominiums, or provide multiple spaces for mobile homes or recreational camping vehicles.

A subdivision must be properly surveyed, comply with local design standards, and provide legal and physical access and utility easements. Also, to approve a subdivision, local officials must issue written findings of fact that consider the effect the development would have on agricultural, the natural environment, wildlife and wildlife habitat, local services, and the public health and safety. In addition, local governments that have adopted a comprehensive plan may review a subdivision to ensure that it conforms to the plan.

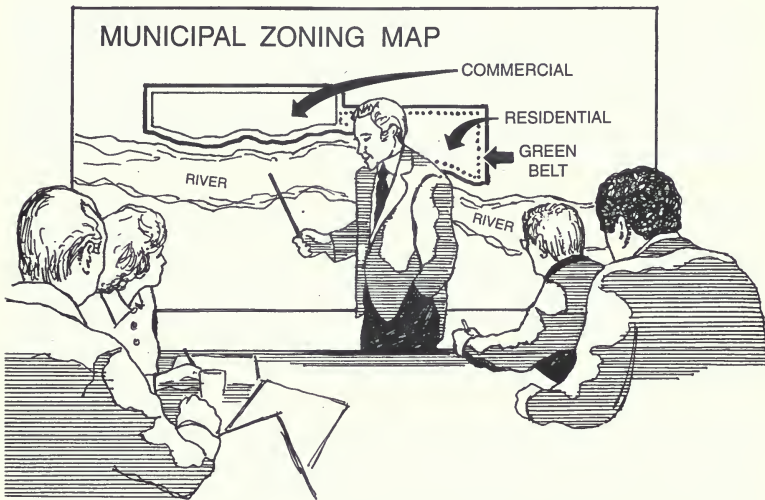
The Montana Sanitation in Subdivisions Act (MSIS) was enacted to ensure proper sewage and solid waste disposal, water supply, and drainage in subdivisions. Under the MSIS, the Department of Health and Environmental Sciences must approve the sanitation facilities proposed for a subdivision. Thus, a subdivision must receive two separate approvals – local approval under the MSPA, and state approval of sanitation facilities under the MSIS.

D. ZONING REGULATIONS

Traditional zoning is the legal method by which local governments protect the health, safety and welfare by dividing jurisdictions into use districts (zones), restrict various uses to certain zones, and impose requirements that the permitted uses must meet.

As early as the 1800's, city governments in America were preventing slaughterhouses from locating in residential neighborhoods to prevent odor and noise problems, and requiring adequate spacing between buildings to prevent the spread of fire. These early restrictions on land uses benefitted both the general public and private property owners. Modern zoning regulations still focus on preventing problems by separating incompatible uses and by requiring uses to meet standards that protect both public and private property owners.

One basic objective of zoning is to separate incompatible uses to prevent the adverse or undesirable effects they can have on one another. Another objective of zoning is to achieve a quality and character of development that ensures safe and healthy communities.



Because zoning regulates the location of various uses, the zoning map, showing precise boundaries of each use zone, is one essential part of the zoning regulations. The other essential component is the text, which specifies the required standards, necessary procedures, circumstances for requesting and deciding appeals, and enforcement and administrative requirements.

In recent years, many people have criticized zoning as ineffective, inflexible and cumbersome. In fairness, however, zoning as a land use tool is not at fault. Ineffective regulation results from faulty drafting, or weak or inconsistent enforcement of individual zoning ordinances. Lack of explicit development policies, indiscriminate granting of variances, and lack of public support have rendered many zoning regulations ineffective. But the same problems can also affect other types of regulation. The reasons zoning may fail to be effective very likely would be the same reasons that any other type of land use regulation would fail: citizens and local official are not aware of how zoning can solve specific problems; local officials are not committed to proper enforcement; citizens really do not want effective regulations; or the regulations are unreasonable or do not reflect thoughtful planning or policies.

While the incompatibility of differing land uses may be overcome without separating the uses, the techniques for doing so are often expensive, and the costs may fall on taxpayers. Separating incompatible uses often may be the most direct and least costly means of protecting school children, maintaining a viable business district or a pleasant and safe residential neighborhood, or assuring a functional and safe industrial area.

In Montana, three different statutes authorize local governments to enact zoning regulations. Cities and towns may adopt and enforce zoning ordinances under the Municipal Zoning Enabling Act; counties may enact zoning under the County Zoning Enabling Act. The third zoning enabling statute, the County Planning and Zoning Commission Act, allows a county to enact land use regulations for an area within the county where at least 60 percent of the property owners sign a petition requesting formation of a district and adoption of regulations.

Comprehensive Plan. Both the Municipal Zoning Enabling Act and the County Zoning Enabling Act require that the local government have an adopted comprehensive plan for the jurisdiction, and that the zoning regulations conform to the plan. The statute authorizing zoning by petition does not require the county to have an adopted comprehensive plan, but the planning and zoning commission must prepare a "development pattern" for the district that identifies the desired location or requirements for future development.

Board of Adjustment. Under any of the three zoning enabling statutes, local zoning regulations must provide a process for hearing and deciding appeals. For municipal and county zoning, the governing body is required to appoint a board of adjustment to make special exceptions, grant variances, and hear appeals of decisions by the zoning officer. The purpose of the appeal process is to allow the developer, or any affected person to appeal a zoning decision without having to go directly to court. A property owner also may appeal for relief from zoning requirements if, because of the shape, configuration, topography or other circumstance of his particular property, requiring him to comply with the requirements would create real difficulty or hardship. Other persons may appeal if they feel that granting a zoning permit will cause them harm.

Interim Regulations. Municipalities and counties are authorized to adopt interim land use regulations while a comprehensive plan is being prepared and adopted. The purpose of interim zoning is to protect the integrity of the prospective plan from incompatible development during the time the plan is being prepared and adopted.

Protest of County Zoning. Under the County Zoning Enabling Act, when 40 percent or more of the property owners protest a proposed zoning regulation, the county commissioners may not proceed in adopting the proposed zoning for at least one year.

Extraterritorial Provisions. The Municipal Zoning Enabling Act allows a city or town to adopt extraterritorial zoning -- regulating land use in the unincorporated area contiguous to the city limits. The rationale for this extraterritorial zoning authority is to allow a

municipality to ensure that adjacent growth will be well designed and compatible with the land use patterns in the city.

The state enabling statutes impose very few requirements on the substantive content of the regulations. As long as they satisfy reasonableness and due process requirements, local officials have broad discretion to draft and adopt regulations that suit their community's needs and satisfy the desires and expectations of the local citizens.

E. DEVELOPMENT PERMIT REGULATIONS

Many planners and local officials in Montana have expressed interest in alternatives to zoning as a means to regulate land use. One alternative that can be enacted under existing state enabling statutes is a system called by a number of terms: permit system, performance zoning, performance standards and development standards. In this Primer the term "development permit regulations" is used to include all of the various land use permit systems.

As mentioned, development permit regulations focus primarily on the character or quality of new development, with less concern on the location of the development. Development permit regulations may be adopted under any of the three zoning enabling statutes and under the same procedures set forth for zoning. As with zoning, the regulations must provide for an appeals process.

Because development permit regulations implement development policy, the comprehensive plan should be written so that a logical rationale flows from statements of planning issues, through statements of goal and objectives to statements of development policy. **Specific regulations should be tied to explicit policies; policies should be tied to clear goals.** If clear goals and explicit policies have been adopted, appropriate regulations should readily emerge. The attitudes of citizens and governing officials, and the identified land use problems, will also help suggest what types of regulations and what degree of restriction is appropriate in each jurisdiction.

1. Development Standards

Development permit regulations that simply state the standards or requirements new development must meet are the easiest form of land use regulation to draft and enforce. If the comprehensive plan expresses clear and explicit policy statements, drafting specific regulatory language as development standards that implement the policies should be fairly easy. Development standards are commonly drafted to regulate:

- Traffic: street widths and grades, street drainage, access points, circulation networks.
- Off-street parking and loading areas: number of spaces, access, circulation.
- Access by emergency vehicles: street and cul-de-sac widths, road grades and curves.
- Unsuitable areas: flood hazard, fire hazard, steep slopes, high ground water, lake and stream shores, wetlands.
- Effects on agriculture: protect irrigation systems, livestock, water supplies.
- Buffering or screening of adjacent uses: height, location, and materials.
- Signs: size, height, location, and materials.
- Setbacks: from streets, lot lines, surface waters.

2. Point Systems

Adopting requirements that outright prohibit or require certain actions may not be feasible or desirable, even though the regulations would help achieve a public purpose. The requirements or prohibitions may be too restrictive to meet legal or constitutional tests. In other cases, the requirements may not be politically acceptable to local citizens or the elected officials.

Development permit regulations can incorporate a point system that awards points to encourage desirable actions and assigns negative points to discourage undesirable actions. A development's composite score determines whether or not it receives approval. Such point systems often are considered to be more flexible (and thus less restrictive) because a developer may offset a low score on one provision with high scores on other provisions. Because of this flexibility, and the fact that awarding points is very different from the precise, restrictive requirements of traditional zoning, point systems may be more readily accepted in rural areas and small towns. Also, in addition to offsetting low scores, the local government can reward developers for high scores by such incentives as paying part of the cost of constructing certain improvements, such as roads or utility lines.

The logical use of a point system is to urge developers to take, or not take, actions that the local government is unwilling or unable to outright mandate or prohibit. The following

are actions that are desirable or undesirable, but seldom can be required or prohibited outright:

Encourage:

- Development in preferred locations:
 - near existing services
 - in or adjacent to communities
 - less productive lands
- Cluster development
- Underground utilities
- Affordable housing
- Landscaping
- Appropriate architecture
- Energy conservation

Discourage:

- Development in undesirable locations
 - agricultural land
 - wildlife areas
 - sensitive areas
- Strip commercial development

Point systems are more difficult to draft and administer because of the necessity to establish a proper relationship between point values and the relative importance of each provision and to create a proper balance among the various point values. In addition, assigning point values to a particular development can be highly subjective.

F. FLOODPLAIN REGULATIONS

Floodplain regulations are enforced to prevent loss of life and excessive property damage; protect public health and safety; and reduce public tax expenditures for emergency evacuation and restoration. In addition to preventing property loss and human injury, floodplain regulations indirectly protect riparian areas and natural stream banks.

Local governments are required by law to administer regulations relating to development in floodplains, if the Montana Department of Natural Resources and Conservation (DNRC) has adopted delineated 100-year floodplains in their jurisdiction. Both federal and state agencies have set minimum standards regarding types of development allowed in delineated 100-year floodplains. Delineated 100-year floodplains are those lands bordering a stream that are inundated by a flood event equalled or exceeded, on average, once every 100 years. In any year, there is a one percent chance that a 100-year flood will occur. The DNRC officially delineates 100-year floodplains, using detailed hydrological methods, as well as topographic and historic data.

A floodplain comprises two zones: the "floodway" that carries flood waters of faster velocities, and the "flood fringe" that consists of the flood storage and backwater areas and is subject to low water depths and velocities. In the floodway, prohibited uses include: residential, commercial and industrial structures. Prohibited uses in the floodway and flood fringe include: land fills, septic systems, and storage of toxic, flammable, or explosive materials.

G. LAKE SHORE REGULATIONS

A specific Montana statute (75-7-201 *et seq.*, MCA) authorizes local governments to adopt lake shore regulations to protect the shore or bank of natural lakes and man-made reservoirs. Lake shore regulations apply to any construction or shoreline alteration within the lake shore protection zone – the land within 20 horizontal feet of the mean annual high-water mark. Lake shore regulations also can be adopted under zoning statutes.

H. CONSERVATION EASEMENTS

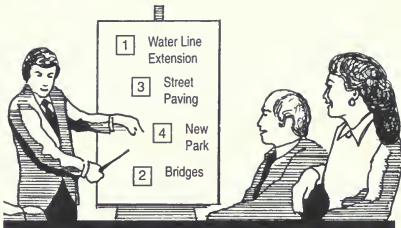
A conservation easement (76-6-101 *et seq.*, MCA) is a voluntary legal agreement a landowner enters into to restrict the type and amount of development that may occur on his property. Such an easement ensures that the resource values will be protected indefinitely, regardless of who the owns the land in the future. The landowner grants an easement to a public agency or to a qualified private tax-exempt organization. If the conservation easement meets federal requirements, property owners can be entitled to reductions in income and estate taxes. Each easement is different, tailored to the specific needs of the landowner, while assuring that conservation objectives are met. Conservation easements may prevent subdivision development; construction of new residential, commercial and industrial structures; activities resulting in soil erosion or water pollution; mining; and degradation of fish and wildlife habitat. Local governments can work with tax-exempt organizations and property owners to promote and facilitate preservation of productive agricultural lands, or other lands that contribute to the values and assets of the community. Under Montana law, planning boards are required to review conservation easements (76-6-206, MCA).

I. CAPITAL IMPROVEMENTS PLANNING

Capital improvements are major, high-cost public facilities having a life of two years or more, which cannot be funded from one year's operating budget. Thus, a local government usually incurs debt in order to finance capital facilities: buildings, utilities, and land. Decisions to make capital improvements represent significant policy choices for local governments. High costs frequently are involved when a new road, water system or jail facility is built. Local officials facing the need for capital expenditures must avoid costly mistakes.

Through thoughtful and systematic planning and scheduling, local officials can make the wisest use of taxpayers' dollars. Developing a capital improvements plan (CIP) is a process of planning and scheduling the financing and construction of future public works. The process involves assessing all of the facilities the jurisdiction will need in the foreseeable future and setting a realistic schedule for construction and funding. Capital improvements planning is an on-going process; the plan should be reviewed and updated annually. Modifications to the plan will be needed as circumstances change.

The process of setting priorities and developing a schedule and funding sources for public facilities is usually best accomplished when a community has adopted a comprehensive plan. First, the comprehensive plan typically expresses the need for capital facilities in the context of total community needs, and the capital improvements plan can be effective in outlining the means of obtaining those facilities. Second, because the installation of capital improvements, such as water and sewer extensions or road upgrading, may promote growth as well as respond to current needs, the locations and timing of extending capital facilities should be planned in coordination with the comprehensive plan. (The Department of Commerce has handbooks available on preparing capital improvements plans.)



Preparing and following a capital improvements plan is a comprehensive plan implementation measure that can save significant tax dollars.

J. SPECIAL PLANS

A number of communities want to implement activities that require preparation of special plans that address issues that usually need more detailed planning than can occur in the comprehensive plan. These special plans should be based on the comprehensive plan and should generate additional specific or detailed information and policies. For example, to implement programs such as downtown redevelopment or historic preservation, plans need to be formulated that focus in detail on a specific geographic area and on policies and recommendations dealing with redevelopment or historic preservation.

To effectively address local needs for affordable housing, a local government needs to prepare a housing plan, both to fully understand their housing needs, and to qualify for state or federal assistance programs. Housing plans quantify the numbers and types of existing housing units, units owned by low- and moderate-income families, units in need of rehabilitation, and the additional needed units within various price and rental ranges.

Economic development plans concentrate on opportunities to expand employment, encourage business start-up, retention or expansion, and on means of minimizing or eliminating constraints to economic growth. Other examples of special plans are: parks and recreation plans, agricultural plans, open space plans, transportation plans, neighborhood plans, corridor plans, and plans to address specific impacts such as coal or hard rock mining.

K. REGULATIONS TO PRESERVE SPECIAL COMMUNITY VALUES

The use of land use planning and regulations to protect or enhance certain community values is of increasing interest in Montana. Preserving agricultural land, river corridors, historic character, and encouraging aesthetic design increasingly are being successfully addressed through local planning and implementation through regulations.

Several key elements are necessary in order to address any of these "special" community values:

- There should be strong community support for protecting the identified community value(s).
- The plan should clearly state that preserving these values is in the public interest and is a community goal.
- The plan should offer supportive evidence of the importance of the community value.
 - Articulating economic value provides strong legal foundation for preserving a community attribute, but the value can be other than economic. Historic, cultural, or aesthetic character also can be important to a community and provide a valid basis for land use regulation.
- The plan should state definitive policies to guide local government development decisions.
- The regulations should be reasonable.
 - Regulations should go no further than necessary to achieve the goal; and
 - Regulations should not substantially increase the cost of development, nor deprive the property owner of reasonable economic use of the property.
- The purpose clause of the regulations should be worded carefully to clearly state the intent of the regulations.

1. Protecting Agriculture and Preserving Agricultural Land

An objective of many county planning programs is to protect agricultural operations and preserve agricultural land. In most Montana counties, agriculture is the dominant basic industry. Nearly every county has productive agricultural land that is important to the county: irrigated land, land growing key crops such as sugar beets, canola, or other specialized grains, or limited private hay lands in mountain valleys that are vital to sustaining a large livestock industry through winter months.

To justify land use regulations and other measures to protect agricultural land, local officials need to demonstrate the importance of agriculture and agricultural land. The plan

should provide economic data showing the level and relative importance of agricultural gross income and employment to the county. The amount of agricultural land, including hay land, irrigated land and cropland should be determined to show the productivity and monetary value of agricultural land to the county. Also, information regarding the taxable value of various types of agricultural lands and properties will show the relative importance of agriculture's contribution to the tax base.

After data have been collected that show the economic importance of agriculture, the plan should set forth goal and objective statements regarding protection of agriculture. For example:

- Goal: To protect the agricultural industry and the agricultural land base of the county.
- Objectives:
 - To reserve and maintain productive agricultural land for continued agricultural uses.
 - To maintain and expand productive agricultural activities in the county.
 - To discourage future development that is incompatible with agricultural operations.

Where the plan provides data showing agriculture's importance to the county, makes clear goal and objective statements, and expresses definitive policies regarding the protection of agriculture, the local government has a sound basis for adopting land use regulations to limit or manage growth on key agricultural lands. **Also, an effective means to preserve agricultural land is for the local officials to adopt a resolution requiring that all proposed subdivisions conform to the comprehensive plan – and thus to the adopted development policies that are part of the plan.**

2. Protecting River Corridors

Local governments may be interested in a number of community values associated with rivers and stream corridors: maintaining natural stream banks and stream beds, minimizing sedimentation or contamination, complementing a designated Wild and Scenic River, protecting a scenic view, restricting new stream-side development, and protecting the floodplain. Local officials may adopt regulations pursuant to a comprehensive plan and under the appropriate zoning enabling act to protect stream corridor values. The plan should articulate the stream corridor attributes to be protected and specify that such protection is a public purpose and community goal. The plan should provide as much data and specific information as possible to explain how the proposed protection is in the public interest.

A number of regulations affecting Montana streams are administered by other agencies and can achieve some of the objectives of local officials. For example, floodplain regulations are enforced by cities and counties to prevent development in the floodway;

and local and state health department regulations are intended to prevent contamination from sewage or chemical effluent. In addition, local conservation districts enforce the "310 Permit Program," which requires a permit for any proposed work that would physically alter the bed or banks of a stream.

3. Historic Preservation and Design Review

Many communities wish to preserve the historic heritage represented by older neighborhoods or core areas. Historic preservation includes saving the older, historic buildings, and ensuring that improvements and new structures are designed to harmonize with the historic character of the area. Ensuring conformity of site and architectural design is accomplished by requiring development proposals to be submitted to a design review board for approval.

For historic areas, reasonable regulations allow use of materials that are available and feasible today. It may be impractical and unfeasible to require use of a certain type of brick or window that is not available or is too costly to manufacture. Regulations for historic areas often allow deviations from zoning requirements relating to setbacks and lot coverage. This flexibility allows improvements and new construction to be built in harmony with the existing high density, compact development of the past.

Some communities are also setting design requirements for development other than in historic districts. In commercial areas, for example, new development can be required to include landscaping, or to use design features to avoid the "box look" of more typical commercial structures. Again, a design review board must approve the developer's site plan and building design. Often, a zoning ordinance can allow some benefits such as increased densities or deviations from setback or parking requirements, which are incentives for developers to meet design requirements.



4. Protecting Views

A number of reasonable requirements can be imposed to protect views: limits on heights and locations of structures on lots, angled building positions, and varied lot widths and setbacks. Views can be effectively protected by scenic easements, where the property owner agrees (perhaps for compensation) to certain restrictions on future development.

VII. FUNDING A PLANNING PROGRAM

A number of sources can be used to fund a local planning program. Not all will be available to every jurisdiction, but any local government will be able to use some of these sources.

A. COUNTY LAND PLANNING FUNDS

Every Montana county receives a state allocation of funds, county land planning funds, for planning. The funds are distributed quarterly by the Montana Department of Commerce.

B. PLANNING MILL LEVY

The Local Planning Enabling Act authorizes municipalities and counties to levy property tax mills for planning. However, Initiative 105 (I-105) prohibits a local government from levying more mills than it levied in fiscal year 1986, unless the electorate approves the assessment by election. Cities, towns and counties that levy the maximum mills allowed by statute probably will not be able to legally levy additional mills for planning.

C. GENERAL FUND AND FORMULA FUNDS

Local governments may fund planning activities under their general fund. Local general funds receive monies from a variety of sources: property taxes, fees and fines, and transfers of state and federal funds. Many of the state and federal funds are earmarked for specific uses, but counties receive state and federal formula funds, such as payments-in-lieu-of-taxes (PILT), which may be used for any purpose. Because there are no restrictions on their use, PILT funds often are a feasible source of funding for a local planning program.

D. FEES ON DEVELOPERS

Part of the costs of a planning program can be met by charging fees for time and expenses associated with reviewing development proposals. Reviewing these development proposals, such as applications for subdivision approval, zoning permits, variances or conditional use permits, consumes time and requires costs for such items as publishing notice of hearings and meetings. Local officials are justified in setting fees to meet all or most of the costs required to review subdivision and zoning proposals. Local subdivision and zoning regulations typically contain a fee schedule specifying the charges for each type of development proposal.

E. PLANNING GRANTS

The U.S. Forest Service has limited planning funds available for communities located within 100 miles of a national forest and that have at least a 15 percent economic

dependency on income derived from natural resource industries. These funds are provided under the Forest Service's Economic Diversification Program, and are allocated by competitive application for preparing economic development plans. Much of economic development planning can be used to serve comprehensive planning purposes.

F. GRANTS AND CONTRIBUTIONS FOR SPECIAL PROJECTS

A number of public grant programs or private foundations often provide funding for activities related to community planning. Studies, inventories and preparation of special plans or publications are examples of activities that might be funded through public or private grants. The Department of Commerce has a database of potential private and public grant programs that might help fund special planning activities. Occasionally, the community may want to undertake a special project that has support from various interests within the community. Some of these persons or groups may be willing to contribute to a special project.

VIII. AFFORDABLE HOUSING

A. WHAT IS AFFORDABLE HOUSING?

The term "affordable housing" may have a different meaning to different people. In this Primer, affordable housing refers to a safe, decent dwelling that a family can buy or rent for not more than 30 percent of its net income.

In many areas of Montana, especially those that are experiencing growth, the shortage of affordable housing is at or near a crisis point. Out-of-state in-migrants, attracted to Montana by the perceived quality and simplicity of our lifestyle, are making an unprecedented impact on the cost and availability of housing stock. Increasingly, low- and moderate-income families are unable to afford safe and decent housing. This tremendous demand for housing and the ability and willingness of in-migrants to pay high costs for housing (which inflates the cost of housing at all levels) is a major cause of the affordable housing crisis in Montana. Builders are focusing on construction of high-end housing because the profit margin is greater than in low- and moderate- cost housing. Not only is new lower-cost housing not being built, the higher costs of materials and lack of interested contractors prevent many low- and moderate-income families from repairing and improving their present homes, causing a marked deterioration in the physical condition of housing units in many communities.



This housing crisis presents Montana local governments with an opportunity to become involved in affordable housing issues and to take a proactive approach toward helping solve the problem. Affordable housing is a prime example of an immediate and urgent problem in many Montana communities that can be addressed through an effective planning program. Local officials can address the need for affordable housing in economic development programs, as well as in the comprehensive planning process. Ensuring adequate housing for employees of new or expanding businesses is a vital part of planning for, and stimulating, desirable economic growth.

Montana law authorizes cities and counties to form local housing authorities, which are public entities that can address housing issues in the community. Housing authorities are an extension of the governing body and should be established and operated in close coordination with the planning board and the elected officials.

B. IDENTIFYING OPPORTUNITIES TO PROVIDE AFFORDABLE HOUSING

The first step is to quantify the type and magnitude of the community's housing problem. Local officials need to know the number of housing units by type, vacancy rate, number of units available within the purchase or rental price range of low- and moderate-income families, number of units that are substantially substandard and in need of rehabilitation, and the number of families, by income level, that are unable to afford safe, decent housing.

Based on a thorough understanding of the community's housing situation, local officials can formulate a local housing program that includes some or all of the following:

- Participating in state and federal housing programs to provide new affordable housing, and to allow rehabilitation of existing substandard housing.
- Using local resources and innovative approaches to provide affordable housing.
- Sharing part of the costs of providing public services, such as streets, or water and sewer lines, to the proposed housing development.
- Ensuring that adequate land is available for affordable housing, and removing land use barriers.
- Establishing a process by which local government considers before adoption, policies, procedures, ordinances, regulations, or plan provisions that have a significant impact on the cost of housing.

C. HOUSING PROGRAMS

A local housing program can incorporate the following federal, state and private programs, where appropriate, to provide new affordable housing, rehabilitated housing, and rental units:

- Comprehensive Housing Programs Database, Montana Department of Commerce Housing Assistance Bureau (406) 444-2804
- New housing
 - Montana Board of Housing (406) 444-3040
 - HUD HOME Partnership Investment Program (406) 444-2804
 - Federal Home Loan Bank of Seattle (206) 340-8737
- Housing rehabilitation
 - HUD Community Development Block Grant Program (406) 444-2488
 - HUD HOME Partnership Investment Program (406) 444-2804
 - Farmers Home Administration Housing Preservation Grants (406) 585-2515

- Health and Human Services Energy Conservation Funds (406) 587-4486
- Federal Home Loan Bank of Seattle (206) 340-8737

- Local resources and innovative approaches

- Local bank financing
- Public land trusts to build affordable housing. The city or county may have land of its own that could be used for low-cost housing. Because land often represents nearly 25 percent of the housing development costs, contributed land can allow significant reductions in costs of providing affordable housing.

D. ENSURING ADEQUATE LAND IS AVAILABLE FOR AFFORDABLE HOUSING, AND REMOVING LAND USE BARRIERS

In some communities in Montana, part of the housing shortage results from land use regulations that do not provide sufficient land in suitable locations for residential development. In a number of communities, citizens do not look favorably on mobile homes, rental housing and multi-family housing, so inadequate areas are zoned to allow these types of housing, which today are essential to providing affordable housing. One important aspect of comprehensive planning should be to identify suitable residential areas and adequate areas for low-cost housing. The Montana Supreme Court has ruled that if mobile homes are restricted from certain residential areas by zoning then sufficient land must be made available to meet the mobile home needs of the community. Local officials should avoid locating low-cost housing in unsuitable areas such as adjacent to industrial areas or railroad tracks. Wherever possible, the local government should provide water and sewer services to areas with affordable housing.

Though most communities recognize the need to adopt reasonable land use standards in subdivision and zoning regulations, a number of local regulations still contain land use provisions that can be barriers to affordable housing. Regulatory requirements that can increase the cost of housing include:

- Zoning insufficient land for mobile home, modular and multi-family development.
- Requiring unnecessarily large minimum lot sizes, or lot frontages.
- Requiring unnecessarily large minimum front, side and rear yards. Some distance between the house and the street is appropriate, but requiring more than approximately 25 feet does little except to reduce the buildable area of the lot. Side yard requirements often result in two unusable areas, whereas allowing the house to be built up to the side lot line on one side (zero lot line) allows one usable area on even a small lot. Allowing zero-lot-line development promotes affordable housing.

- Requiring unnecessarily large minimum floor areas for homes. The overall floor area of the house is not really a health and safety issue. More important is that the individual rooms are large enough to offer a healthy and safe living environment. Requirements on the minimum size of rooms can be reasonably required and still allow construction of affordable housing.
- Unnecessary limits on densities. Frequently local zoning limits densities with excessive minimum lot sizes, or by setting low density standards for multi-family development. Local officials should reassess their ordinances to determine whether density restrictions are reasonable, and whether some of the perceived problems (e.g., traffic and parking) can be addressed through street planning and requirements for off-street parking. Building affordable housing is facilitated by higher density construction. Builders might be provided "density bonuses." A density bonus is provided where a developer is allowed to build more units than the zoning would normally allow in return for building low-cost housing.
- Restrictions on home occupations. Many ordinances have tight restrictions on home occupations, partly out of concern for increased traffic, parking, noise and congestion in residential neighborhoods. Also, home occupations are perceived to detract from the commercial district. However, for a number of reasons, home offices and home occupations are a growing trend. By reducing home-to-work travel, home occupations have a positive community benefit by reducing traffic volumes, and can assist families earn a living. Local regulations could allow home occupations as a right under reasonable requirements, rather than require conditional use permits or special exceptions. Also, restrictions on home occupations should be reassessed for reasonableness.
- Prohibiting conversion of large single-family homes into two affordable dwelling units. Ordinances can facilitate affordable housing by allowing "elderly cottages" or single-person apartments for elderly or disabled family members.
- Requiring excessive minimum street widths or minimum cul-de-sac standards. Although wide streets give a community a spacious, pleasant appearance, they add considerably to the cost of construction, paving and maintenance, and remove land from the development and tax base. Fire officials and others push for wider cul-de-sacs to maneuver large emergency equipment. But local officials should consider the advantages of narrower streets and cul-de-sacs. In addition to saving land, construction, and maintenance costs, narrow streets tend to lower traffic speeds, which increases safety.

Cul-de-sacs do not have to be larger than 60 feet in diameter because fire trucks and other equipment can maneuver by making one backing motion and the driver always has accompanying personnel to guide the vehicle when backing. In fact, a "T" turn-around allows vehicles to turn around with one simple backing motion and requires approximately one-sixth as much land.

- Requiring curbs, gutters or large culverts. Local regulations should allow optimum use of grass swales and natural terrain to handle drainage wherever possible. Swales are less expensive to build and maintain.
- Regulations should allow medium and high density developments as a matter of right. By avoiding rezoning, hearings, and special use or conditional use procedures, developers would have more incentive to provide higher-density, lower cost housing.

APPENDIX A

LEGAL CONCEPTS

I. VALIDITY OF LAND USE REGULATIONS

Since the inception of modern zoning in the early 1900's the courts have developed detailed guidelines for determining whether a particular land use regulation is a legitimate exercise of the "police power" which is the inherent, vested power of the state to prohibit activities that are harmful to the public health, safety, and welfare. In the aggregate these guidelines require that regulations satisfy federal and state constitutional guarantees of due process and equal protection of the law.

This general principle is reflected in the following specific tests by which the validity of a regulation is determined:

- A. The regulation in question must have been adopted in accordance with the applicable enabling statute.
- B. The regulation must be reasonably related to, and must actually further, the public health, safety, or general welfare.
- C. The regulation must not unreasonably discriminate between similarly situated land. So-called "spot zoning" violates this principle.
- D. The regulation must not be arbitrary or capricious either on its face or as applied to a particular property. It should go no further than is required to achieve its legitimate objective, and, in the case of zoning regulations, must substantially conform to an adopted comprehensive plan.
- E. The regulation must not have the effect of excluding entire racial, minority, or economic groups from the jurisdiction.
- F. The regulation must not constitute an unconstitutional "taking" of property. The most commonly applied "taking" test is whether the regulation denies a property owner all economically viable use of his or her property.

II. STATUTORY BASIS FOR PLANNING AND LAND USE REGULATION

A. LOCAL PLANNING ENABLING ACT (76-1-101 through 76-1-606, MCA)

The Local Planning Enabling Act authorizes local government to prepare comprehensive plans. The act requires the formation of an advisory planning board as a prerequisite to preparing a comprehensive plan. The statute authorizes the planning board to accept

and spend money for planning purposes, and authorizes the governing body to levy property tax mills to generate revenues for planning. The act specifies procedures for preparing and adopting a comprehensive plan.

B. MUNICIPAL ZONING ENABLING ACT (76-2-301 through 76-2-328, MCA)

The Municipal Zoning Enabling Act authorizes incorporated cities and towns to adopt zoning regulations to regulate the size, height and location of buildings and other structures on lots, regulate densities, and divide the municipality into zoning districts to regulate the location of various uses. The municipality must have adopted a comprehensive plan, and the zoning regulations must conform to the plan.

Municipalities that do not have an adopted comprehensive plan are authorized to adopt interim zoning regulations to govern land use while a comprehensive plan is being prepared and adopted. Interim regulations may be in force for six months, and can be extended twice for a one-year period. The statute states that municipalities can adopt interim zoning regulations as an "urgency measure" to prohibit uses that may be in conflict with a contemplated zoning proposal during the time that the municipality prepares and adopts a comprehensive plan.

Cities and towns are authorized to extend municipal zoning regulations beyond their corporate boundaries, if they have adopted a comprehensive plan that includes the territory to be zoned. The municipality may not adopt extraterritorial zoning for an area that has been zoned by the county. A first-class city may extend extraterritorial zoning up to 3 miles beyond its corporate boundaries, a second-class city up to 2 miles beyond, and a town or third-class city up to 1 mile beyond its corporate boundaries.

The Municipal Zoning Enabling Act requires that cities and towns establish a board of adjustment to handle appeals for variances and appeals from zoning decisions.

C. COUNTY ZONING ENABLING ACT (76-2-201 through 76-2-228, MCA)

The County Zoning Enabling Act authorizes counties to adopt zoning regulations for all or part of the county. The county may create zoning districts to control the location of various uses within the jurisdiction, regulate buildings and other structures, and provide a process to issue permits. Before it may adopt zoning regulations, the county must have adopted a comprehensive plan covering the entire planning board's jurisdiction, and the zoning regulations must conform to the plan. The county commissioners are required to direct the planning board having jurisdiction over the area proposed to be zoned to develop recommended regulations. County commissioners can appoint a zoning commission as an alternative to using a planning board.

The County Zoning Enabling Act provides that if 40 percent of the real property owners within a proposed zoning district protest against the proposed zoning the county may not proceed with adoption for at least one year.

The act specifically prohibits the county from adopting regulations that would prevent the complete use, development or recovery of agricultural, mining or timber products.

The county commissioners are required to provide a board of adjustment as part of zoning regulations to hear and decide on appeals for variances and appeals from zoning decisions.

Counties that do not have an adopted comprehensive plan are authorized to adopt interim zoning regulations to govern land use while a comprehensive plan is being prepared and adopted. Interim regulations may be in force for one year, and can be extended one time for a one-year period.

D. COUNTY PLANNING AND ZONING DISTRICTS (76-2-101 through 76-2-112, MCA)

When 60 percent of the real property owners within an area 40 acres or larger sign a petition, the county commissioners are authorized to create a planning and zoning district and adopt land use regulations for the district. Upon receipt of a proper petition, the county commissioners hold a public hearing and decide whether to form a planning and zoning district and where the boundaries should be located. The county commissioners are required to appoint a planning and zoning commission, comprising the three county commissioners, the county surveyor and the county assessor. The planning and zoning commission is required to prepare a development plan and recommend zoning regulations. The county commissioners are empowered to revise the recommendations made by the planning and zoning commission and adopt the final regulations.

The act authorizes the county commissioners to grant variances from the regulations. Also, any person who feels aggrieved by a decision of the planning and zoning commission or the county commissioners may appeal to district court. Regulations under this act may not regulate lands used for agriculture or growing of timber.

E. MONTANA SUBDIVISION AND PLATTING ACT (76-3-101 through 76-3-614, MCA)

The act requires all municipalities and counties to adopt local subdivision regulations, and that local government review and approve, conditionally approve or disapprove land divisions creating parcels less than 160 acres in size, condominiums, and areas which will provide multiple spaces for mobile home and recreational camping vehicles. The law provides for several types of exemptions from subdivision review. The statute requires the Department of Commerce to adopt Uniform Standards for surveying and monumentation and preparation of final subdivision plats and certificates of survey.

III. OPEN PUBLIC MEETINGS (2-3-201 *et seq.*, MCA)

Montana law requires that local officials conduct public business in open, public meetings. Further, the law requires that officials take reasonable steps to notify the public that a meeting will be held and that certain matters will be addressed. Publishing the agenda, or a synopsis of the agenda, as part of the meeting notice is advisable. Many local governments have adopted the policy of not discussing a topic that is not on a meeting's agenda if the subject has any possible citizen interest.

IV. REQUIREMENTS FOR PUBLIC HEARINGS

Public hearings are an integral part of most processes of adopting and enforcing land use plans and regulations. Public hearings and proper prior notice are required as part of the procedures to develop and adopt or amend a comprehensive plan, zoning regulations and subdivision regulations. Also, a public hearing is required as part of the procedures for approving an application for major subdivision or granting special exceptions or variances under zoning regulations.

The purpose of public hearings is to allow citizens the opportunity to observe and participate in the development of public policy and in public decision-making. Public hearings should be conducted with the good-faith intention of hearing citizen remarks and listening to their questions. Ensuring that everyone has an opportunity to speak is important. Public hearings do not have to be formal, although they should be conducted with enough formality to retain order, give everyone an opportunity to comment, and prevent outspoken persons from dominating the hearing. If necessary, the person conducting the hearing can set time limits on speakers or require speakers to use a microphone. In most cases, a non-verbatim record of the hearing is sufficient, although it is common practice to tape record meetings for possible future reference and transcription.

However, because decisions of boards of adjustment can be appealed to district court, the record of the hearing and the decision by the board should be an accurate record, and the hearing should be conducted with enough formality to assure that a proper record can be made.

V. LEGISLATIVE, ADMINISTRATIVE AND QUASI-JUDICIAL ACTIONS

The actions taken by local officials in adopting land use regulations, enforcing the provisions, and hearing appeals represent the three distinct and separate functions of government: legislative, administrative (executive) and judicial. When a governing body adopts zoning or development permit regulations, the action is "legislative." When the zoning officer issues a zoning permit, the action is "administrative." When a board of

adjustment decides on an appeal, the action is "quasi-judicial," meaning that the action is judicial in nature but the board of adjustment is not a court.

This separation of power and function in land use regulation is important, just as the separation of the three powers is essential in American government in general. Understanding the distinct roles and function of the various entities involved in land use regulation should help citizens, local officials and planners to better draft and administer the regulations.

APPENDIX B

PLANNING RESOURCES

PUBLICATIONS

Affordable Housing Development Guidelines for State and Local Government. U.S. Department of Housing and Urban Development, Office of Policy Development and Research, Fairfax, VA. 1991.

Allor, David J. *The Planning Commissioners Guide.* American Planning Association, Chicago, IL. 1984.

Gould, Allen C. *An Introduction to Comprehensive Planning.* Bear Paw Development Corporation, Havre, MT. 1975.

A Handbook: Capital Facilities Scheduling and Financing. Montana Department of Commerce, Local Government Assistance Division. Helena, MT. 1983.

Local Planning in Idaho: A Manual for Comprehensive Planning. Idaho Planning Association, Boise, ID. 1991.

A Manual for the Administrator or the Montana Subdivision and Platting Act. Montana Department of Commerce, Local Government Assistance Division. Helena, MT. 1986.

Montana's Annexation and Planning Statutes. 10th Edition. Montana Department of Commerce, Local Government Assistance Division. Helena, MT. 1991.

Montana's Subdivision and Surveying Laws and Regulations. 16th Edition. Montana Department of Commerce, Local Government Assistance Division. Helena, MT. 1994.

Montana Zoning Digest. Montana Department of Commerce, Local Government Assistance Division. Helena, MT. 1989.

A Primer: Subdivision Review Under the Montana Subdivision and Platting Act. Montana Department of Commerce, Local Government Assistance Division. Helena, MT. 1986.

Solnit, Albert. *The Job of the Planning Commissioner.* American Planning Association, Chicago, IL. 1987.

White, Mark S. *Affordable Housing: Proactive and Reactive Planning Strategies.* American Planning Association, Planning Advisory Service Report No. 441, Chicago, IL. 1992.

AUDIO-VISUALS

Why Plan: A Citizens Guide to Community and Rural Planning in Montana. Montana Department of Commerce, Local Government Assistance Division. Helena, MT.

COMPUTERIZED DATABASES

Housing Information Clearinghouse, A database retrieval service, Housing Assistance Bureau, Department of Commerce, 1424 9th Avenue, PO Box 200545, Helena, MT 59620-0545, (406) 444-2804. The database consists of two components: 1) Housing programs and funding sources; and 2) Housing facilities and services related to housing in Montana. The database may be useful to individuals or organizations interested in locating funding sources, housing, or housing-related services geared to a target population.

Public Works Money Database, A database retrieval service, Community Technical Assistance Program (CTAP), Department of Commerce, 1424 9th Avenue, PO Box 200501, Helena, MT 59620-0501, (406) 444-3757. The database is a comprehensive topical listing (by type of facility) of programs which grant or lend money for local government public works projects. The database is useful for planners and local officials who are preparing capital improvements (financing) plans.

PLANNING PROGRAMS AND ORGANIZATIONS

Community Technical Assistance Program (CTAP), Department of Commerce, 1424 9th Avenue, PO Box 200501, Helena, MT 59620-0501, (406) 444-3757. The Community Technical Assistance Program provides technical assistance for community planning, subdivision and surveying regulations, development and finance. In addition to providing one-on-one technical assistance and workshops, CTAP has an extensive library of documents and audio-visuals along with access to a variety of research services. CTAP publishes a variety of how-to publications for planners, planning boards and local officials.

American Planning Association, 1313 E. 60th St., Chicago, IL 60637, (312) 955-8312. Represents planners and planning boards throughout the United States. Publishes the Planning magazine and a variety of other publications. They also have a planning advisory service that provides research services. Holds an annual training conference.

Western Planning Resources, Inc., Steve Kurtz, Editor, The Western Planner, 632 So. David, Casper, WY 82601, (307) 266-2524. Represents planners and planning boards in the West. Publishes the Western Planner magazine. Holds an annual training conference in the west. The magazine is a good publication to advertise job openings for hiring planners.



1,250 copies of this public document were published at an estimated cost of \$1.60 per copy, for a total cost of \$2,000.00, which includes \$2,000.00 for printing and \$.00 for distribution.